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United States of America

In the

Supreme Court of the United States

OCTOBER TERM, 1945

No. 640

DR. TOM H. ROBERTSON, M. D.,
Petitioner,

vs.

NEW YORK LIFE INSURANCE COMPANY,
Respondent

On Petition For a Writ of Certiorari to the Supreme Court
of the State of Michigan

BRIEF FOR NEW YORK LIFE INSURANCE COMPANY

HAROLD H. ARMSTRONG, Esq.,
PAUL WEADOCK, Esq.,
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Detroit 26, Michigan.

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**BRIEF FOR NEW YORK LIFE INSURANCE
COMPANY**

Respondent submits that the Petition and Brief filed in this cause do not present any question of a constitutional nature or one entitled to consideration in this Court.

Petitioner has not been deprived of his right to jury trial because both the trial and appellate courts found

there was no question of fact to be submitted to a jury. Petitioner has not been deprived of his right to a full and complete hearing on all issues because the issues which were determined in this case were held to control the final decision. Petitioner has not been deprived of his rights and property without due process of law because Petitioner was allowed to present and argue his case fully in both the trial court and the Michigan Supreme Court. Petitioner has not been deprived of his right to equal application and protection of the law because the law and procedure followed in this case are recognized as the proper law and procedure in Michigan.

The opinion of the Trial Court (Record pp. 90-96, 116) and the Opinion of the Supreme Court of Michigan (Record pp. 282-291, Vol. 312 Mich. Reports 92), clearly show the nature and disposition of the issues in this case. Respondent submits that there is no constitutional issue to be heard before this Court and respectfully asks that the petition for certiorari be denied.

Respectfully submitted,

HAROLD H. ARMSTRONG, Esq.,
 PAUL WEADOCK, Esq.,
 RICHARD G. EUBANK, Esq.,
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 3380 Penobscot Building,
 Detroit 26, Michigan.

December, 1945.